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In Re: Nazi Era Case

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-3655

IN RE: NAZI ERA CASES AGAINST
GERMAN DEFENDANTS LITIGATION

RONALD H. MANDOWSKY;
SETH B. FELDMAN, as the Co-Executors
of the Estate of Ferdinand Nacher;
RONALD H. MANDOWSKY, as Representative
of the Heirs of the Estate of
Ignatz Nacher,

Appellants

v.

DRESDNER BANK AG

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Nos. 00-cv-04986, 98-cv-04104)
District Judge: The Honorable William G. Bassler

Submitted Under Third Circuit LAR 34.1(a)
July 11, 2007

Before: RENDELL, AMBRO, and NYGAARD, Circuit Judges.

(Filed: July 20, 2007)

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellants Ronald H. Mandowsky, and Seth B. Feldman, as the Co-Executors of the Estate of Ferdinand Nacher and Ronald H. Mandowsky, as the Representative of the Heirs of the Estate of Ignatz Nacher, appeal the District Court's denial of their Motion for Relief from Judgment filed pursuant to FED.R.CIV.P. 60(b). The District Court specified three reasons for denying the Appellants' 60(b) motions: (1) Rule 60(b) was not designed to release a litigant from a freely chosen litigation strategy; (2) Rule 60(b) is not available when granting relief would ultimately prove futile; and (3) broader public interests would not be forwarded or enhanced by granting relief under the rule. After thorough study of the briefs filed by the parties, as well as the record and transcripts of hearings conducted in the District Court, we will affirm essentially for the reasons stated by the District Court. The facts and procedural history of this case are well known to the parties and the Court, and it is not necessary that we restate them here.

The reasons why we write an opinion of the Court are threefold: to instruct the District Court, to educate and inform the attorneys and parties, and to explain our decision. We use a not-precedential opinion in cases in which a precedential opinion is rendered unnecessary because the opinion has no institutional or precedential value. See United States Court of Appeals for the Third Circuit, Internal Operating Procedure

(I.O.P.) 5.3. Under the usual circumstances when we affirm by not-precedential opinion and judgment, we briefly set forth the reasons supporting the court's decision. In this case, however, we have concluded that neither a full memorandum explanation nor a precedential opinion is necessary. Judge Bassler's ruling is a thorough statement of his reasoning and fully supports his order. No further refutation of the Appellants' allegations of error is necessary.

Hence, we believe it unnecessary to further opine, or to offer additional explanations and reasons to those given by the District Court. It is sufficient to say that, essentially for the reasons given by the District Court in its opinion dated the 6th day of July, 2006, we will affirm.